

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRION LARRY ALEXANDER,

Plaintiff,

No. CIV S-03-288 DFL GGH P

vs.

EDWARD S. ALAMEIDA, JR., et al.,

Defendant.

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On December 2, 2005, defendants filed a pretrial statement naming as witnesses Nurse Rahm and Correctional Officer Riley. On December 15, 2005, the court issued a pretrial order identifying Rahm and Riley as witnesses for defendants.

On January 5, 2006, plaintiff filed a document titled "Objection to Defendants' Pretrial Statement." The court construes this document as objections to the pretrial order. Plaintiff observes that he originally named Nurse Rahm and Correctional Officer Riley as defendants. On October 28, 2003, the court ordered the U.S. Marshal to serve process on Rahm and Riley. On November 23, 2003, service as to defendant Riley was returned unexecuted with a letter from the Litigation Coordinator at California State Prison-Sacramento (CSP-Sac) stating that he was unable to positively identify Correctional Officer Riley because there were several

1 correctional officers with this last name employed at CSP-Sac. Service was returned unexecuted  
2 as to Nurse Rahm because the Litigation Coordinator at CSP-Sac was unable to identify her.  
3 These defendants were later dismissed.

4 In his objections to the pretrial order, plaintiff observes that defendants were  
5 apparently able to identify defendants Rahm and Riley as they are now named as trial witnesses.  
6 Because the identity of defendants Rahm and Riley was obtainable, as demonstrated by  
7 defendants' pretrial statement, the jury trial is vacated. Defendants are ordered to provide the  
8 court with the information required for service of defendants Rahm and Riley (first and last  
9 name, address of employment) within ten days. The court will then order the U.S. Marshal to  
10 serve these defendants.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. The May 22, 2006, jury trial set before the Honorable David F. Levi is vacated;

13 2. Within ten days of the date of this order, defendants shall provide the court  
14 with the information necessary for service of defendants Rahm and Riley.

15 DATED: 1/30/06

16 /s/ Gregory G. Hollows

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18 GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

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